S.B.Cr.Misc. Bail App. No. 5528/2007
(Kumbha Ram & Anr. Vs. State of Rajasthan)

Date of order : 15/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Mridul Jain for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioners that it was the complainant party who picked up the quarrel and caused as many as three injuries to petitioner No.2 Rameshwar, one of the injury is on the skull as also caused injury to the petitioner No.1 Kumbha Ram. He has shown me the injury reports of both the petitioners. Learned counsel for the petitioners submits that there is a cross case against the complainant party. He further submits that the injuries suffered by the injured Deva and Bajrangram are simple in nature by blunt object.

Having regard to the facts and circumstances of the case and the fact that it has not been specifically alleged that which of the petitioners caused head injury to the injured, there is omnibus statement of the witnesses, without commenting on the merit of the case which may prejudice the case of either party, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Kumbha Ram S/o Sawat Singh and Rameshwar @ Babu Lal S/o Sawat Singh be released on bail in FIR No. 87/2007 P.S. Marot, district Nagaur, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP